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| Notice of Allowability | Application No. | Applicant(s) |
| | 10/521,096 | BOLDRINI ET AL. |
| | Examiner Hemant M. Desai | Art Unit 3721 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendmnet filed on 9/19/2007.

2. The allowed claim(s) is/are 1-10.

3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1. Notice of References Cited (PTO-892)
- 2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
- 4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
- 5. Notice of Informal Patent Application
- 6. Interview Summary (PTO-413),
Paper No./Mail Date _____
- 7. Examiner's Amendment/Comment
- 8. Examiner's Statement of Reasons for Allowance
- 9. Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Timothy Klima on 11/13/2007.

The application has been amended as follows:

Title has been changed to -- SYSTEM FOR FORMING CONTIANERS --.

In the Specification:

Delete ", of whichclaim 1 appended", page 1, lines 3-4.

Delete ", of whichclaim 1 appended", page 5, lines 4-6.

Insert title -- BRIEF DESCRIPTION OF DRAWINGS --, before "The invention", line 1, page 4.

Insert title -- DETAILED DESCRIPTION OF THE INVENTION --, after "side elevation", line 16, page 4.

In the claims:

Replace claim 1 as follows:

-- Claim1:

A system, for forming containers for food products, comprising:

a first feed station by which a continuous strip of a forming material is directed along a predetermined feed path;

a main reel rotatable about a relative longitudinal axis, from which the strip is decoilable along the feed path;

a circular conveying mechanism;

a second feed station supplying a single file of tubular elements generated from the strip along a respective feeding direction on to the circular conveying mechanism;

sealing means, positioned along a path of said circular conveying mechanism operating on a first open end of each tubular element in such a way as to enclose the first end;

a feed mechanism transporting the tubular elements to said circular conveying mechanism along a respective transportation direction;

said circular conveying mechanism comprising at least one wheel rotatable around an axis between a first position of reception of the tubular elements and a second position of alignment of the tubular elements with the sealing means, said axis being perpendicular to the feeding direction and to the transportation direction of the tubular elements in the proximity of the wheel, said feeding direction being parallel to the transportation direction. --.

Replace "A", line 1, claims 2-10 with -- The --.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: The German Patent in combination with Nishio ('028) fail to disclose the claimed system for forming containers, including a second feed station supplying a single file of tubular elements to a wheel (round mandrel) in a direction parallel to a transport direction of tubular elements and

the wheel is rotating around an axis, which is perpendicular to the feeding direction and the transport direction.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hemant M. Desai.
Hemant M Desai
Primary Examiner
Art Unit 3721